

CHAPTER NO. 35

HOUSE BILL NO. 116

By Representative Shaw

Substituted for: Senate Bill No. 187

By Senator McLeary and Mr. Speaker Wilder

AN ACT to amend Chapter 142 of the Private Acts of 1953; as amended by Chapter 143 of the Private Acts of 1965; Chapter 122 of the Private Acts of 1981; Chapter 57 of the Private Acts of 1983; Chapter 12 of the Private Acts of 1985; Chapter 104 of the Private Acts of 1987; Chapter 178 of the Private Acts of 1988; Chapter 68 of the Private Acts of 1995 and Chapter 186 of the Private Acts of 1996; and any other acts amendatory thereto, relative to the charter of the city of Bolivar.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 1.04 of Article I of Chapter 142 of the Private Acts of 1953, as amended by Chapter 12 of the Private Acts of 1985, and any other acts amendatory thereto, is amended by deleting subsection (q) in its entirety.

SECTION 2. Section 2.01 of Article II of Chapter 142 of the Private Acts of 1953, as amended by Chapter 143 of the Private Acts of 1965, Chapter 122 of the Private Acts of 1981, Chapter 57 of the Private Acts of 1983, Chapter 104 of the Private Acts of 1987, and Chapter 178 of the Private Acts of 1988, is amended by deleting the section in its entirety and substituting instead the following:

Section 2.01. Election of Mayor and Council Members. The city of Bolivar shall elect a mayor and eight (8) council members as provided in this section.

On the third Tuesday in May of odd-numbered years, a nonpartisan election shall be conducted by the county election commissioners, at the same hours and places for holding general elections and under general election laws of the state to elect a mayor and council.

The city shall be divided into two (2) districts of substantially equal population which shall be designated as District A and District B. The council shall by ordinance establish the district boundaries, and shall adjust the boundaries within ninety (90) days following the receipt of the federal decennial census data and any annexation by the city so as to maintain substantially equal population in the two (2) districts.

Each district herein established shall have four (4) council members elected from such district. Candidates for the council shall run by numbered posts in staggered years and shall be elected by a plurality of votes cast. In Districts A and B, the numbered positions shall be identified as 1, 2, 3, and 4. The council members shall have maintained their principal residence in the district from which they are elected for six (6) months preceding the election in which they run. If a council member moves from the district from which such council member was elected, the member shall resign his position on the city council, and a successor residing in that district shall be appointed by the city council to fill the unexpired term. Should a change in the district division line be required following analysis of census data or an annexation, and such change places a district council member outside the district from which the member was elected, that council member shall continue to serve until the next regular election. If the term of the disqualified council member has not expired at the time of such election, a council member shall be elected to fill the unexpired term of the disqualified council member. Candidates for the district positions shall be required to run for either the full term seat which is being regularly filled at such election or the unexpired term.

The mayor shall be elected on an at-large basis for a four-year term, and must receive a majority of the votes cast in the mayor election. A runoff election between the candidates receiving the two (2) highest number of votes will be held, if necessary.

Polling places shall be established in each district. Voters are not required to vote for each contested position. A voter may vote for fewer than all positions.

Council members shall initially be elected as the terms of the present council members expire. In the May 2005 election the two (2) candidates with the highest vote totals in District A shall be elected to four-year terms; the other two (2) candidates in District A shall be elected to two-year terms. Also, in the May 2005 election, the two (2) candidates with the highest vote totals in District B shall be elected to four-year terms; the other two (2) candidates in District B shall be elected to two-

year terms. At all elections following the May 2005 election all city council members shall be elected to four-year terms in staggered years.

The terms of office of the mayor and council members shall begin at 12:01 p.m. on the first day of July next following their election, except when the first day falls on Sunday; in that event, the second of July. The mayor and council members shall serve until their successors have been elected and qualified.

SECTION 3. Section 3.04 of Article III of Chapter 142 of the Private Acts of 1953, as amended by Chapter 12 of Private Acts of 1985, Chapter 68 of the Private Acts of 1995, and Chapter 186 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting subsections (c) and (d) in their entirety.

SECTION 4. Section 1.02 of Article I of Chapter 142 of the Private Acts of 1953, as amended by Chapter 12 of the Private Acts of 1985, Chapter 68 of the Private Acts of 1995, and Chapter 186 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting subsection (k) in its entirety and by substituting instead the following language:

Voters shall include all persons who reside within the corporation and who are qualified voters of the state of Tennessee and entitled to vote for members of the General Assembly, and nonresidents who are qualified voters of the state of Tennessee and who are owners of taxable fee simple real property within the corporate limits. However, in the case of nonresidents, pursuant to Tennessee Code Annotated, Section 2-2-107(a)(3), no more than two (2) persons shall be entitled to vote based upon the ownership of an individual tract of property regardless of the number of property owners.

SECTION 5. Section 2.03 of Article II of Chapter 142 of the Private Acts of 1953, as amended by Chapter 143 of the Private Acts of 1965, Chapter 122 of the Private Acts of 1981, Chapter 12 of the Private Acts of 1985, Chapter 68 of the Private Acts of 1995, and Chapter 186 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting the language "the mayor and seven councilmen" and by substituting instead the language "the mayor and councilmen".

SECTION 6. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Bolivar. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.

PASSED: April 7, 2005


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of April 2005


PHIL BREDESEN, GOVERNOR